Summary of New Chapter 13 Filing Requirements

In addition to the previously discussed new filing requirements:

- Statement of Currently Monthly Income & Disposable Income Calculation (Form 22C)
- FMC (Official Form 23) -- *Due on or before* the date of the last payment under the plan.
- Proof that Domestic Support Obligations are current (if any)
  - (1) prior to confirmation and
  - (2) prior to discharge being entered
- Limitations on discharge for duplicate filers

Always Check Previous Filing History

- Under the new law, a Chapter 13 debtor **may NOT receive a discharge** if he/she has received one in a **previous chapter 13 filing in the last two (2) years** or in **any other chapter during the past four (4) years**.

- The relevant look back period is: **date of prior case filing where discharge was granted to the date of the current order for relief**.

  See, § 1328(f).

- Search U.S. Party Case Index for any previous bankruptcies (Case Information/US Party Case Index located under the PACER link).

Clerk's Review of Previous Filings

- If the debtor has had a previous bankruptcy and received a discharge within the time frame specified under §1328(f), the clerk will make a notation in the docket that debtor is a 'duplicate filer', and

- The Clerk will issue a *"Notice of Ineligibility to Receive Discharge".* The case will be flagged to prevent the entry of discharge.

Revised Chapter 13 Local Forms

- **Interim Local Form V** - Chapter 13 Agreement between debtor and counsel
- **Interim Local Form W** – Chapter 13 Plan
- **Interim Local Form X** – Chapter 13 Confirmation Order

Domestic Support Obligations (DSO)

- If the Debtor owes or pays DSO's, the Debtor must certify to the Chapter 13 Trustee **prior to confirmation of the plan and prior to final payment under the plan,** that all DSO's are current.

- The Chapter 13 Trustee will inform the Court whether or not these certifications have been made.

- **If the Debtor fails to so certify**, the Court will issue a **Notice of Intent to Close Case without Discharge,** and the Debtor will be given 15 days to cure this default before the case is closed.